



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OCT 18 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Notice of Violation

Captain Edward Schrader
Commander, Naval Base Kitsap Bangor
120 South Dewey Street
Bremerton, Washington 98314

Re: Delta Pier Dry Dock
NPDES Permit Number WA-002557-7

Dear Captain Schrader:

On July 22, 2010, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the Naval Base Kitsap Bangor ("Base") for its Delta Pier Dry Dock ("Facility"), NPDES Permit Number WA-002557-7 ("Permit"). The Permit became effective on September 1, 2010, and expired on August 31, 2015. Subsequently, EPA administratively extended the Permit. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, and in response to the inspection of the Facility conducted by EPA on February 4, 2016. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW

1. EPA reviewed DMRs from July 2011 through August 2016 and identified effluent limitation exceedances that constitute 399 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).

At the time of the inspection, the Facility Representative, Mr. Rory Eisele, told the inspector that the temperature exceedances occur almost exclusively during the summer months when the water temperature naturally increases to near the permit limit. Mr. Eisele stated that the current limit was set "using poor data due to the monitoring probe location and the probe itself." Mr. Eisele hoped that the next Permit would address the issue. In the meantime, the Facility is seeking funding to pursue other options in an attempt to eliminate the temperature exceedances.

The Facility can address any questions or concerns about the next permit to Mr. John Drabek, the EPA Permit Writer assigned to write the new permit. Mr. Drabek can be reached at (206) 553-8257 or by e-mail at drabek.john@epa.gov.

2. Part I.B.1, Table 1 of the Permit, illustrated below, shows that the Facility is required to sample Total Recoverable Copper once every two months for five years.

Parameter	Units	Effluent Limitation	Monitoring Requirements	
		Max Daily	Sample Frequency	Sample Type
Flow	gpd	NA	Continuous	Meter
Temperature	°C	19°C	Continuous	Continuous
Total Recoverable Copper	µg/l	N/A	Once/2 months for five years	grab

Upon review of administrative files from July 2011 through August 2016, EPA discovered that the Facility did not submit the Total Recoverable Copper data for the monitoring period ending March 31, 2014. The missing entry was administratively resolved on May 21, 2016. Failure to submit the Total Recoverable Copper parameter is a violation of Part I.B.1 of the Permit.

FEBRUARY 2016 INSPECTION

At the time of the inspection, the only violations noted by the inspector were the previously addressed temperature exceedance violations.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure B).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure C). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,

Edward J. Kowalski
Director

Enclosures

cc w/enc: Mr. Kevin Fitzpatrick
Water Quality Specialist, WDOE Northwest Region

cc w/o enc Mr. Rory Eisele
Environmental Department Program Manager, Naval Base Kitsap Bangor